

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHAZZ RAY BROWN,

Petitioner,

vs.

DAVE DORMIRE,

Respondent.

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Case No. 4:08CV1681 JCH

ORDER

This matter is before the Court on Petitioner Chazz Ray Brown's Second Application for Appointment of Counsel, filed December 29, 2009. (Doc. No. 29). There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, courts consider factors that include whether the petitioner has presented non-frivolous allegations supporting his prayer for relief, whether the petitioner will substantially benefit from the appointment of counsel, whether there is a need to further investigate and present the facts related to the petitioner's allegations, and whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering Petitioner's Second Application for Appointment of Counsel in view of the relevant factors, the Court finds that the facts and legal issues presented in the instant case are not so complex as to warrant the appointment of counsel at this time. In addition, the pleadings filed by Chazz Ray Brown indicate that he is capable of presenting the facts and legal issues without the

assistance of counsel. Petitioner's Second Application for Appointment of Counsel will therefore be denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Second Application for Appointment of Counsel (Doc. No. 29) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion Requesting a Telephone Conference with the Court (Doc. No. 28) is **DENIED**.

Dated this 12th day of February, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE